UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

DETAILED ACTION

1.   This office action is in response to the communication filed on 02/27/2008.

2.   Claims 1-25 are pending in the application.

3.   Claims 1-25 are rejected.

Information Disclosure Statement

4.   The information disclosure statement (IDS) filed on 10/29/2007 fails to comply with

37 CFR 1.105 because it does not include a set of relevant prior arts to be considered by the

examiner. Therefore, IDS filed on 10/29/2007 has not been considered by the examiner

(please see the previous office action mailed on 11/28/2007 for detail)

Double Patenting

5.   The previous provisional nonstatutory obvious double patenting type rejection of

claims 1-25 in view of claims 1-3 and 9-37 of the copending application no. 10/815251 are

pending (please see the office action mailed on 07/11/2007), however, these rejections are

held in abeyance time being as requested by the applicant (please see the applicant's

remarks received on 09/17/2007)

Response to Arguments

6.   The applicant's arguments regarding the 35 USC 102 (e) type rejections of claims 1-

25 are fully considered, however, found not persuasive. Regarding the 35 USC 102 (e) type

rejections of claims 1-25, the applicant primarily argues that cited reference <u>Ryan</u> fails to

disclose (a) the document retention policy being based on a recurring cut-off retention

schedule, (b) generating or associating a policy or encryption key with a <u>recurring </u>cut off

retention schedule or <u>next </u>cut-off period.

However, the examiner respectfully disagrees with the applicant on above arguments.

In response to the argument (a), reference <u>Ryan</u> was found to teach the document

retention policy being based on a recurring cut-off retention schedule [Par 0037-0038, 0046,

0051-0053; policy associated with the time based access restriction; user <u>having one or more</u>

<u>keys associated with the predetermined time; requiring a new time based key </u>for retention/

access to the document; <u>Ryan</u>'s above teachings suggests the document retention policy

being based on a recurring cut-off retention schedule; the examiner interprets each

predetermined/ future/ new time period associated with a key as recurred or cut-off

retention time]

In response to the argument (b), reference <u>Ryan</u> was found to teach generating or

associating a policy or encryption key with a <u>recurring </u>cut off retention schedule or <u>next </u>cut-

off period [Par 0037-0038, 0051-0053; policy associated with the time based access

restriction; user <u>having one or more keys associated with the predetermined time; a new</u>

<u>time based access/ retention key </u>]

Furthermore, in response to the applicant's argument that reference <u>Ryan</u> teaches no

"retention schedule" or "cut-off period", the examiner respectfully disagrees since Ryan's

time based access/ policy, or user optionally having plurality of retention keys associated

with the plurality of predetermined/ new time frame [Par 0038, 0053] can clearly be

interpreted as document retention schedule based on such time based keys. Finally, a specific

"predetermined time" associated with each new retention key can be interpreted as a cut-off

period for that key, or retention schedule [Par 0038, 0053].

   Therefore, previous rejections are maintained.

Claim Rejections - 35 USC § 102

   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

   A person shall be entitled to a patent unless –

   (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the
United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the
United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in
section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international
application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   **Claims 1-25 are rejected under 35 USC 102 (e) as being anticipated by <u>Ryan</u> (US**

2005/ 0071657 A1).

   Regarding claim 1, Ryan discloses a method of providing automated document

retention for an electronic document comprising:

   (a) assigning a document retention policy to the electronic document, the document

retention policy being based on a recurring cut-off retention schedule

   [Par 0037-0038, 0046, 0051-0053; policy associated with the time based access restriction; user

   <u>having one or more keys associated with the predetermined time; requiring a new time based key</u> for

   retention/ access to the document; each new retention key would have a specific predetermined/

   future/ new time period associated with that can be interpreted as recurred or cut-off retention

schedule; therefore, <u>Ryan</u>'s above teachings suggests the document retention policy being based on a

recurring cut-off retention schedule] and

(b) cryptographically associating the document retention policy with the electronic

document

[Par 0029, 0037-0038, 0051-0053; policy associated with the time based access restriction; time

based access or retention restriction/ policy and key for each document]

Regarding claim 10, it is rejected applying as above rejecting claim 1, furthermore,

<u>Ryan</u> discloses a method comprising:

determining whether a cut-off period for a current or prior document retention key has

been reached [Par 0037, 0038, 0051, 0053; determining whether time based access/ retention key is

expired, or whether current time is greater than the predetermined retention/ access time];

generating a next document retention key to be used to encrypt an electronic

document during a next cut-off period, the next document retention key having a document

retention period associated therewith [Fig 4 and Fig 5; Par 0037, 0038, 0051-0053; time based

access to the document, and <u>new</u> time based access key]; and

notifying a clients of the next document retention key [Par 0051, 0053]

Regarding claim 13, it is rejected applying as above rejecting claim 1, furthermore,

<u>Ryan</u> discloses a method for restricting access to an electronic document, said method

comprising:

encrypting the data portion of the electronic document using the document key to produce an encrypted data portion **[Fig 4, 7; Par 0047-0051; Claims 9-16; encrypting/ securing the document]**;

using a retention access key to associate document retention policy on the electronic document **[Par 0013, 0017, 0051-0053, 0065; time based restrictions/ policy, and key; <u>new</u> time based access key; expiring predetermined access]**;

encrypting the document key using the retention access key to produce an encrypted document key **[Par 0037-0038, 0047, 0053; Claims 9-16; expiring predetermined retention/ access time, and using a <u>new</u> time based access key; encrypting the document with a predetermined/ new time based access/ encryption key]**, the retention access key only being usable for said encrypting during a cut-off period of a recurring cut –off retention schedule **[Par 0037-0038, 0046, 0051-0053; policy associated with the time based access restriction; user <u>having one or more keys associated with the predetermined time; requiring a new time based key</u> for retention/ access to the document; each new retention key would have a specific predetermined/ future/ new time period associated with that can be interpreted as recurred or cut-off retention schedule]**

forming a secured electronic document from at least the encrypted data portion and the encrypted document key **[Fig 4, 7; Par 0047, 0051-0053; Claims 9-16; encrypted or securing the document]**; and

storing the secured electronic document **[Par 0047-0051; Claims 9-16]**.

Regarding claim 16, it is rejected applying as above rejecting claim 1 and 13, furthermore, <u>Ryan</u> discloses a method for accessing a secured electronic document by a

requestor, the secured electronic document having at least a header portion and a data

portion, said method comprising:

obtaining a retention access key, the retention access key being used to associate a

document retention period of a document retention policy on the electronic document, the

retention access key being usable only during the document retention period following a

cut-off period of a recurring cut off retention schedule

[Par 0037-0038, 0046, 0051-0053; policy associated with the time based access restriction; user

having one or more keys associated with the predetermined time; requiring a new time based key for

retention/ access to the document; each new retention key would have a specific predetermined/

future/ new time period associated with that can be interpreted as recurred or cut-off retention

schedule; therefore, Ryan's above teachings suggests the document retention policy being based on a

recurring cut-off retention schedule]

obtaining an encrypted document key from the header portion of the secured

electronic document [Fig 4, 7; Par 0047-0053; Claims 9-16; encrypting or securing the document

with the retention key obtained from each document/ header];

decrypting the encrypted document key using the retention access key to produce a

document key [Par 0047-0053; Claims 9-16; decrypted document];

decrypting an encrypted data portion of the secured electronic document using the

document key to produce a data portion [Par 0047-0053; Claims 9-16].

Regarding claims 21 and 25, they recite the limitations of claims 10 and 13-20,

therefore, they are rejected applying the same rational as applied to reject claims 10,13-20.

Regarding claim 2, it is rejected applying as above rejecting claim 1, furthermore,

Ryan discloses the method further comprising: © cryptographically preventing access to

the electronic document in accordance with the document retention policy when the

document retention period for the electronic document has been exceeded **[Par 0016,**

0038,0051-0053; Claims 13-18; exceeding/ expiring predetermined time; time based policy/ access].

Regarding claim 3, it is rejected applying as above rejecting claim 1, furthermore,

Ryan discloses wherein step (b) utilizes a cryptographic key to impose the document

retention policy, and wherein the document retention policy specifies a document retention

period and a cut-off period **[Par 0027, 0037-0038], 0051-0053; time based access to the document**

and key; expiring predetermined retention/ access time].

Regarding claim 4, Ryan discloses a method as recited in claim 3, wherein the

document retention policy specifies a document retention period that expires a

predetermined period of time after the cut-off period **[Par 0029, 0037-0038, 0053, 0065; policy**

associated with the time based access restriction; predetermined or new time slot associated with each

time based retention key].

Regarding claim 5, Ryan discloses a method as recited in claim 3, wherein the cut-

off period corresponds to a maximum off-line period of a client **[Par 0029, 0037-0038, 0053,**

predetermined or new time slot associated with each time based retention key]

Regarding claim 6, Ryan discloses a method as recited in claim 1, wherein said

imposing comprises acquiring a cryptographic key from a server over a network, the

cryptographic key being used to associate the document retention policy **[Par 0013, 0017,**

0051, 0065; policy associated with the time based access restriction; time based access/ retention key].

Regarding claim 7, it is rejected applying as above rejecting claim 1 and 6,

furthermore, <u>Ryan</u> discloses a method as recited in claim 6, wherein said method further

comprises: © deactivating the cryptographic key when a document retention period has

expired, thereby preventing further access to the electronic document **[Par 0017, 0046, 0051;**

Claims 18-23; time based access key; expiring predetermined retention/ access time].

Regarding claim 8, <u>Ryan</u> discloses a method as recited in claim 7, wherein said

imposing operates to utilize a cryptographic key to impose the document retention policy,

and wherein the document retention policy specifies a document retention period and a cut-

off period **[Par 0037-0038, 0046, 0051-0053; policy associated with the time based access restriction;**

user <u>having one or more keys associated with the predetermined time; requiring a new time based key</u>

<u>for retention/ access to</u> the document; each new retention key would have a specific predetermined/

future/ new time period associated with that can be interpreted as recurred or cut-off retention

schedule]

Regarding claim 17, <u>Ryan</u> discloses a method as recited in claim 16, wherein the

retention access key is identified by an indicator within a header portion of the secured

electronic document **[Fig 7; obtaining document or file access key from header; Par 0047-0053;**

Claim 1-16].

Regarding claim 18, <u>Ryan</u> discloses a method as recited in claim 16, wherein the retention access key is a private retention access key **[Fig 7; header; file key; Par 0047-0053; Claim 1-16; private/ public key pair].**

Regarding claims 9, 11-12, they recite the limitations of claims 4-8, therefore, they are rejected applying as above rejecting claims 4-8.

Regarding claims 14-15 and 19-20, they recite the limitations of claims 4-6 and 17-18, therefore, they are rejected applying as above rejecting claims 4-6 and 17-18.

Regarding claims 22-24, they recite the limitations of claims 2-9, therefore, they are rejected applying as above rejecting claims 2-9.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this action is set to expire in 3 (Three) months and 0 (Zero) days from the mailing date of this letter. Failure to respond within the period for response will result in ABANDOMENT of the application (see 35 U.S.C 133, M.P.E.P 710.02(b)). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shanto M Z Abedin whose telephone number is 571-272-3551. The examiner can normally be reached on M-F from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Moazzami Nasser, can be reached on 571-272-4195. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

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(EBC) at 866-217-9197 (toll-free).

Shanto M Z Abedin

Examiner, A.U. 2136

/KIMYEN VU/

Supervisory Patent Examiner, Art Unit 2135